

University of California, Hastings College of the Law UC Hastings Scholarship Repository

Propositions

California Ballot Propositions and Initiatives

1966

ELIGIBILITY TO VOTE

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

ELIGIBILITY TO VOTE California Proposition 15 (1966).
http://repository.uchastings.edu/ca_ballot_props/692

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

15 **ELIGIBILITY TO VOTE.** Legislative Constitutional Amendment. Provides that educational requirement for eligibility to vote shall not apply to any person who on June 27, 1952, was at least 50 years of age and a resident of the United States at least 20 years.

YES

NO

(For Full Text of Measure, See Page 36, Part II)

General Analysis by the Legislative Counsel

A "Yes" vote on this measure is a vote that any person otherwise entitled to vote, who on June 27, 1952, was at least 50 years of age and a resident of the United States for at least 20 years, be permitted to vote although he cannot write his name and read the Constitution in the English language.

A "No" vote is a vote to retain the existing constitutional provision which imposes these educational qualifications for everyone except persons who had the right to vote on October 10, 1911, and persons who were 60 years of age or older on that date.

For further details see below.

Detailed Analysis by the Legislative Counsel

Section 1 of Article II of the Constitution, which governs the right to vote, now contains, among other things, educational qualifications to the effect that a person who cannot read the Constitution in the English language and cannot write his or her name shall not be allowed to vote in this state. It provides, however, that these educational qualifications do not apply to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age or older on October 10, 1911.

This measure, if approved by the voters, would amend Section 1 to retain the educational qualifications; however, these qualifications would not apply to any person who on June 27, 1952, was at least 50 years of age and a resident of the United States for periods totaling at least 20 years.

Argument in Favor of Proposition No. 15

The California Constitution provides that any person, who is otherwise qualified and wishes to register as a voter, must prove his ability to read at least 100 words of the U. S. Constitution in the English language.

This is the kind of "literacy" test that the U. S. Congress is gradually eliminating as a condition for voting in federal elections.

This proposition would affect only a limited number of potential voters in California. The number is estimated to be less than 10,000. All of them are naturalized American citizens. All of them are Americans by choice and by dint of serious study.

These individuals were permitted, under federal law, to take their naturalization examinations in their native languages. They studied hard to pass, know about our constitution and governmental process and are anxious to be able to vote and assume the responsibilities of American citizenship. Aside from their inability to master the English language, which for them is a foreign language, they are good citizens who want to be Americans in every respect.

The numerous news publications, radio and television programs, in the various languages, would

be of practical assistance to them in their consideration of the candidates and issues. They will most certainly vote as intelligent and concerned citizens.

A "Yes" vote will give this hard-earned opportunity to them.

ALFRED H. SONG

Assemblyman, 45th District
California Legislature

PHILIP L. SOTO

Assemblyman, 50th District
California Legislature

Argument Against Proposition No. 15

California's Constitution now enables the maximum number of qualified voters to participate in state elections. Vote No on Proposition 15 because it will allow unqualified voters to cast a ballot.

Proposition 15 would permit persons who could not read the Constitution in the English language or write his or her name to vote, provided they are over 50 years of age and have resided in the United States for periods totaling at least 20 years.

President Johnson, in his Voting Rights Speech to Congress on March 15, 1965, said, "To exercise these privileges takes much more than just a leg right. It requires a trained mind . . . people cannot contribute to the nation if they are never taught to read and write."

Since 1894, California's Constitution, with some exceptions, has required literacy as a condition of voting. If the ability to read and write was considered necessary for voting under the comparatively simple life of the 19th century, it is doubly important today when a voter must evaluate not only the qualifications of the candidates, but the many complex issues which appear on his ballot.

The requirement that voters be able to read and write was brought about by the tactics of big city bosses who made a practice of herding illiterates to the polls.

Under our present Constitution, California has not experienced the major vote scandals all too common in some other areas.

With the opportunities to become literate through the many adult education programs now available to California residents, there is no need for further exemptions. Proposition 15 is a step toward permitting all illiterates to vote with the evils that inevitably will follow.

Vote No on Proposition 15 and keep California elections clean and free from bossism.

JACK SCHRADER

State Senator
40th District

CHARLES J. CONRA

Assemblyman
57th District

15 **ELIGIBILITY TO VOTE.** Legislative Constitutional Amendment. Provides that educational requirement for eligibility to vote shall not apply to any person who on June 27, 1952, was at least 50 years of age and a resident of the United States at least 20 years.

YES

NO

(This amendment proposed by Assembly Constitutional Amendment No. 28, 1965 Regular Session, expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE** and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

**PROPOSED AMENDMENT TO
ARTICLE II**

SECTION 1. Every native citizen of the United States of America, every person who shall have acquired the rights of citizenship under and by virtue of the Treaty of Querétaro, and every naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the state one year next preceding the day of the election, and of the county in which he or she claims his or her vote 90 days, and in the election precinct 54 days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within 54 days, or any person duly registered as an elector in any county in California and removing

therefrom to another county in California within 90 days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct or county from which he so removed until after such election; provided, further, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age and upwards on October 10, 1911; on June 27, 1952, was at least 50 years of age and a resident of the United States for periods totaling at least 20 years, provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which an election is held.

16 **OBSCENITY.** Initiative. Declares state policy is to prohibit obscene matter and conduct. Redefines "obscene" and "knowingly"; provides rules and procedure for prosecuting violations; jury unless waived determines amount of fine. Makes conspiracy to violate obscenity laws a felony. Authorizes seizure of obscene matter with procedure for summary determination of character. Requires vigorous enforcement and authorizes civil action to compel prosecutor to perform his duties.

YES

NO

(This proposed amendment expressly amends existing sections of the Penal Code; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKEOUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED LAW

An act to amend Sections 311, 311.7, 311.8 and 311.9 of, and to add Sections 311.10, 311.11, 311.12, 311.13, 311.14, 311.15 and 311.16 to, the Penal Code, relating to obscene matter; defining the words, "obscene" and "knowingly"; prohibiting tie-in sales; establishing special defenses; authorizing a jury to determine fines; providing for the felony crime of conspiracy; providing for function of jury and court and authorizing special verdicts in obscenity trials; authorizing seizure of obscene matter and providing for hearing thereon; authorizing a civil action and providing penalty for wilful failure to enforce obscenity laws.

The People of the State of California do enact as follows:

DECLARATION OF INTENT. During the past several years, the spread of obscene matter has become of increasingly grave concern to the people of this State. The indiscriminate dissemination of material, the essential character of which is to degrade sex will, over a long period of time, have an eroding effect on moral standards. For this reason, the elimination of this evil is in the best interests of the morale and general welfare of the people. The accomplishment of this end in view of the continued lack of action by the Legislature, can best be achieved by providing through the initiative effective powers to reach residents and non-residents responsible for the composition, publication and distribution of obscene matter within the State. It is hereby declared to be the intent of this act to proscribe all obscene matter and conduct that is beyond the protection of the free speech and press guarantees of the First and Fourteenth Amendments to the